

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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Kathleen McHugh, et al. ,

Plaintiffs,

Case No. 11-cv-00724-bbc

vs.

Madison-Kipp Corporation,

Defendant.

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**ANSWER TO COMPLAINT**

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NOW COMES the Defendant, Madison-Kipp Corporation, by its attorneys John A. Busch and John C. Scheller of Michael Best & Friedrich, LLP, and as in for in Answer to the Complaint and alleges and states as follows:

1. Defendant admits that the Plaintiffs are nearby residents and denies the other allegations contained in paragraph 1.
2. Defendant denies the allegations contained in paragraph 2.
3. Defendant denies the allegations contained in paragraph 3.
4. Defendant denies the allegations contained in paragraph 4.
5. Defendant admits the allegations contained in paragraph 5.
6. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 6 and therefore denies the same.
7. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 7 and therefore denies the same.
8. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 8 and therefore denies the same.

9. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 6 and therefore denies the same.

10. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 10 and therefore denies the same.

11. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 11 and therefore denies the same.

12. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 12 and therefore denies the same.

13. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 13 and therefore denies the same.

14. Defendant denies the allegations contained in paragraph 14.

15. Defendant denies the allegations contained in paragraph 15.

16. Defendant admits the allegations contained in paragraph 16.

17. Defendant admits that PCE was used at the facility and denies the other allegations contained in paragraph 17.

18. Defendant admits that it stored PCE for use in the normal course of business and that PCE was released at the facility in the normal course of its business operations and denies all other allegations contained in paragraph 18.

19. Defendant denies the allegations contained in paragraph 19.

20. Defendant denies the allegations contained in paragraph 20.

21. Defendant denies the allegations contained in paragraph 21.

22. Defendant denies the allegations contained in paragraph 22.

23. Defendant denies the allegations contained in paragraph 23.

**COUNT 1**  
**RCRA § 6972(a)(1)(B)**

24. Defendant re-alleges and incorporates as if fully alleged the answers to paragraphs 1 through 23 above.

25. Defendant admits the allegations contained in paragraph 25.

26. Defendant denies the allegations contained in paragraph 26.

27. Defendant denies the allegations contained in paragraph 27.

28. Defendant denies the allegations contained in paragraph 28.

29. Defendant admits receiving the letter and denies the other allegations contained in paragraph 29.

30. Defendant is without information or knowledge sufficient to form a belief as to the truth of the matters in paragraph 30 and therefore denies the same.

31. Defendant denies the allegations contained in paragraph 31.

**COUNT II**  
**NEGLIGENCE**

32. Defendant re-alleges and repeats as if fully set forth therein the answers to paragraphs 1 through 31 above.

33. Defendant denies the allegations contained in paragraph 33.

34. Defendant denies the allegations contained in paragraph 34.

35. Defendant denies the allegations contained in paragraph 35.

36. Defendant denies the allegations contained in paragraph 36.

**COUNT III  
PRIVATE NUISANCE**

37. Defendant re-alleges and repeats as if fully set forth therein the answers to paragraphs 1 through 36 above.

38. Defendant denies the allegations contained in paragraph 38.

39. Defendant denies the allegations contained in paragraph 39.

40. Defendant denies the allegations contained in paragraph 40.

41. Defendant denies the allegations contained in paragraph 41.

**COUNT IV  
TRESPASS**

42. Defendant re-alleges and repeats as if fully set forth therein the answers to paragraphs 1 through 41 above.

43. Defendant denies the allegations contained in paragraph 43.

44. Defendant denies the allegations contained in paragraph 44.

45. Defendant denies the allegations contained in paragraph 45.

46. Defendant denies the allegations contained in paragraph 46.

**COUNT V  
WILLFUL AND WANTON MISCONDUCT**

47. Defendant re-alleges and repeats as if fully set forth therein the answers to paragraphs 1 through 46 above.

48. Defendant denies the allegations contained in paragraph 48.

49. Defendant denies the allegations contained in paragraph 49.

50. Defendant denies the allegations contained in paragraph 50.

51. Defendant denies the allegations contained in paragraph 51.

**AFFIRMATIVE DEFENSES**

1. Some or all of the Counts alleged fail to state a claim upon which relief may be granted.
2. Counts II-V may be barred by the applicable statute of limitations.
3. Count II-V may be barred by the doctrine of laches.

WHEREFORE, Defendant requests the Court enter judgment dismissing the action together with costs and disbursements in this matter.

Dated this 11<sup>th</sup> day of November 2011.

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